

**ENVIRONMENTAL PROTECTION AGENCY
REGION 1 - BOSTON**

**CLASS. NO.: 1200
DELEGATION NO.: 22-1**

DELEGATION OF AUTHORITY

DATE: 4-10-2017

EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT

22-1. Civil Judicial Enforcement Actions, Including Collection Actions

1. PURPOSE AND AUTHORITY.

A. Purpose. To redelegate the authorities contained in Delegation 22-1 issued by EPA Headquarters on January 18, 2017.

B. Authority.

- a. To request the Attorney General (AG) to appear and represent the Agency in any civil enforcement action and to intervene in any civil enforcement action instituted under the Emergency Planning and Community Right-to-Know Act (EPCRA), including an action to collect unpaid penalties.
- b. To request the AG to decline to prosecute a previously referred civil enforcement action or cease prosecution of a previously filed civil judicial action.

2. TO WHOM DELEGATED.

A. The Director, Office of Environmental Stewardship (OES) may exercise the authorities in 1.B.a. and 1.B.b.

3. REDELEGATION AUTHORITY.

A. The authorities in 1.B.a. and 1.B.b. may be redelegated to the Branch Chief level, and no further.

B. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

4. LIMITATIONS.

A. The Director, OES must obtain the advance concurrence of the Manager, Legal

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Enforcement Office, or his/her designee, on the legal sufficiency of the action before exercising the authorities in 1.B.a. and 1.B.b. The Manager, Legal Enforcement Office, or his/her designee, may waive concurrence in writing.

B. The Director, OES must notify the Regional Administrator (RA) and the AA for OECA prior to exercising the authority in 1.B.b. and when exercising the authority in 1.B.a. The RA and the AA for OECA may waive the requirement for notification in writing.

C. These authorities may not be redelegated without the concurrence of the Regional Directives Officer, Human Resources Office, Office of Administration and Resource Management.

D. The AA for OECA must notify the appropriate Regional Administrator prior to exercising the authorities in 1.B.a. through 1.B.b., and 1.B.c as stated in the EPA Headquarters delegation issued on January 18, 2017.


E. Any exercise of the appeal authority will be done jointly by the GC and the AA for OECA. Either office may waive joint exercise of authority to appeal in writing.

5. ADDITIONAL REFERENCES.

A. Memorandum of Understanding between the Agency and the Department of Justice, June 1977, 42 Fed. Reg. 48,942 (1977).

B. EPCRA, Section 325.

6. SUPERSESION. None.


Deborah A. Szaro
Acting Regional Administrator

4/10/17
Date